

IFW

PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM		Application Number	10/538,919
(to be used for all correspondence after initial filing)		Filing Date	January 13th, 2006
		First Named Inventor	MULLER, Detlef
		Art Unit	3617
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	01117.0012.PCUS00

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HOWREY, LLP		
Signature			
Printed name	Jacobus C. Rasser		
Date	August 2nd, 2006	Reg. No.	37,043

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Detlef MULLER et al

Based on International Application No.
[insert PCT application no.]

Serial No. 10/538,919

Confirmation No. 5671

Filed: 01/13/2006

Title: WHEEL SET GUIDANCE ASSEMBLY

Group Art Unit: 3617

Examiner:

Atty. Dkt. No.: 01117.0012.PCUS00

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir,

Listed on accompanying form PTO/SB/08A and/or attached to this IDS are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

It is respectfully requested that the Examiner initial and return a copy of the attached form PTO/SB/08A, and indicate in the official file wrapper of this patent application that the documents have been considered

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached form PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be

prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

The following items with checked boxes apply to this Information Disclosure Statement (IDS):

- 1. This IDS is being filed within three months of the U.S. filing date or entry of the national stage OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- 2. This IDS is being filed more than three months after the U.S. filing date or entry of the national stage AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby state that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(1); or
 - b. I hereby state that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(2); or
 - c. The Commissioner is authorized to charge **Deposit Account No. 08-3038**, referencing the above docket number, in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).
- 3. This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the

Issue Fee. It is hereby requested that the IDS be considered. The Commissioner is authorized to charge **Deposit Account No. 08-3038**, referencing the above docket number, in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).

- a. I hereby state that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(1); or
 - b. I hereby state that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to filing this IDS. 37 C.F.R. § 1.97(e)(2).
4. In regard to the relevance of non-English language document(s) listed on the attached form PTO/SB/08A:
- a. For document(s) bearing Cite Nos. B6 and B7, a discussion is provided in the present specification.
 - b. For document(s) bearing Cite Nos. B5, which was/were cited in search report(s) for corresponding foreign application(s), an English language version or translation of relevant portions of the foreign search report(s) is attached.
 - c. For document(s) bearing Cite Nos. , counterpart application(s) in English is/are provided bearing Cite Nos. .
 - d. For document(s) bearing Cite Nos. , an English language abstract is attached to the document(s).
 - e. For document(s) bearing Cite Nos. , an English language translation is attached to the document(s).
 - f. For document(s) bearing Cite Nos. , a concise explanation of relevance is attached to the document(s).
5. The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed on , which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a

patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

6. Copies of document(s) bearing Cite Nos. _____ on the attached form PTO/SB/08A was/were cited by or submitted to the Office in Application No. _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents have not been submitted. 37 C.F.R. § 1.98(d).
7. Copies of U.S. patents and published applications listed on the attached form PTO/SB/08A have not been submitted because this application was filed or entered the national stage under 35 U.S.C. § 371 after June 30, 2003. US PTO OG Notice dated August 5, 2003.
8. Additional document(s) that may be considered material to the examination of this application are enclosed in compliance with the duty of disclosure:

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to **Deposit Account No. 08-3038**, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,



David P. Owen
Reg. No. 43,344

Date: 17 July 2006.

Customer No. 32,894
Howrey Simon Arnold & White
2941 Fairview Park Drive, Suite 200
Falls Church, VA 22042
Fax: 202-383-7195

Tel: 011-31-20-5924411



Please type a plus sign (+) inside this box

Modified PTO/SB/08A (08-00)

Substitute for form 1449A/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/538,919
		Filing Date	01/13/2006
		First Named Inventor	Detlef MULLER
		Group Art Unit	3617
		Examiner Name	
(use as many sheets as necessary)			
Sheet	1	of	3
Attorney Docket Number			01117.0012.PCUS00

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	B1	EP	0073119	A	SILENTBLOC	03-02-1983		<input type="checkbox"/>
	B2	GB	1037298	A	SIMMERING GRAZ PAUKER AG	07-27-1966		<input type="checkbox"/>
	B3	GB	2144693	A	BUDD CO	03-13-1985		<input type="checkbox"/>
	B4	GB	1265642	A	SCWEIZERISCHE WAGGONSUND	03-01-1972		<input type="checkbox"/>
	B5	EP	0624505	A	MAN GHH	11-17-1994		<input type="checkbox"/>
	B6	DE	4141463	A	AEG Schienenfahrzeuge GmbH	12-12-1991		<input type="checkbox"/>
	B7	DE	4315568	A	MAN GHH Schienenverkehrstechnik GmbH	05-10-1993		<input type="checkbox"/>
	B8	GB	1532495	A	A H BRIGGS et al	11-15-1978		<input type="checkbox"/>

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Please type a plus sign (+) inside this box

+

Modified PTO/SB/08A (08-00)



Substitute for Form 1440A(DTO)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3 Attorney Docket Number 01117.0012.PCUS00

Application Number	10/538,919
Filing Date	01/13/2006
First Named Inventor	Detlef MULLER
Group Art Unit	3617
Examiner Name	
Attorney Docket Number	01117.0012.PCUS00

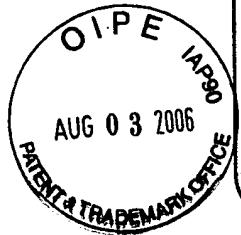
U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



Please type a plus sign (+) inside this box

Modified PTO/SB/08A (08-00) 

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/538,919
(use as many sheets as necessary)		Filing Date	January 13 th , 2006
		First Named Inventor	MULLER, Detlef
		Group Art Unit	3617
		Examiner Name	
Sheet	3	of	3
		Attorney Docket Number	01117.0012.PCUS00

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.